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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,224	02/23/2005	Roger M. Humbel	HU001cOnUSb	7216

7590
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10/15/2008

EXAMINER

GYORFI, THOMAS A

ART UNIT	PAPER NUMBER
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2435

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,224	Applicant(s) HUMBEL, ROGER M.	
	Examiner Thomas Gyorfi	Art Unit 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-76 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. Claims 1-76 are pending examination.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1, 7, 43, 44, 46, 49, 50, 54, 56, 57, 59, 60, 66, and 73, which are directed to multiple inventions across multiple classifications;
 - II. Claim 2 is classified in class 340, subclass 571;
 - III. Claim 3 is classified in class 427, subclass 508;
 - IV. Claims 4, 6, 9, and 17 are classified in class 70; 140;
 - V. Claim 5 is classified in class 70, subclass 456B;
 - VI. Claim 8 is classified in class 726, subclass 35;
 - VII. Claim 10 is classified in class 340, subclass 10.1;
 - VIII. Claim 11 is classified in class 70, subclass 14;
 - IX. Claim 12 is classified in class 439, subclass 85;
 - X. Claim 13 is classified in class 200, subclass 19.35;
 - XI. Claim 14 is classified in class 455, subclass 404.1;
 - XII. Claim 15 is classified in class 455, subclass 274;
 - XIII. Claim 16 is classified in class 380, subclass 252;
 - XIV. Claim 18 is classified in class 70, subclass 278.2;
 - XV. Claim 19 is classified in class 439, subclass 595;
 - XVI. Claim 20 is classified in class 380, subclass 255;

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- XVII. Claim 21 is classified in class 340, subclass 901;
- XVIII. Claim 22 is classified in class 380, subclass 28;
- XIX. Claim 23 is classified in class 713, subclass 184;
- XX. Claim 24 is classified in class 455, subclass 91;
- XXI. Claim 25 is classified in class 385, subclass 15;
- XXII. Claim 26 is classified in class 340, subclass 571;
- XXIII. Claims 27 and 31 are classified in class 380, subclass 247;
- XXIV. Claims 28, 39, 41, and 51 are classified in class 713, subclass 186;
- XXV. Claim 29 is classified in class 340, subclass 572.9;
- XXVI. Claim 30 is classified in class 455, subclass 556.1;
- XXVII. Claim 32 is classified in class 455, subclass 106;
- XXVIII. Claim 33 is classified in class 380, subclass 33;
- XXIX. Claim 34 is classified in class 380, subclass 34;
- XXX. Claim 35 is classified in class 455, subclass 13.3;
- XXXI. Claim 36 is classified in class 711, subclass 118;
- XXXII. Claim 37 is classified in class 455, subclass 459;
- XXXIII. Claim 38 is classified in class 701, subclass 213;
- XXXIV. Claim 40 is classified in class 713, subclass 183;
- XXXV. Claim 42 is classified in class 348, subclass 14.03;
- XXXVI. Claim 45 is classified in class 340, subclass 425.5;
- XXXVII. Claim 47 is classified in class 340, subclass 572.1;
- XXXVIII. Claim 48 is classified in class 340, subclass 432;

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- XXXIX. Claim 52 is classified in class 713, subclass 150;
- XL. Claim 53 is classified in class 340, subclass 426.19;
- XLI. Claim 55 is classified in class 340, subclass 905;
- XLII. Claim 58 is classified in class 235, subclass 462.07;
- XLIII. Claim 61 is classified in class 713, subclass 182;
- XLIV. Claim 62 is classified in class 283, subclass 72;
- XLV. Claim 63 is classified in class 726, subclass 6;
- XLVI. Claim 64 is classified in class 726, subclass 10;
- XLVII. Claim 65 is classified in class 241, subclass 30;
- XLVIII. Claim 67 is classified in class 340, subclass 944;
- XLIX. Claim 68 is classified in class 726, subclass 21;
- L. Claim 69 is classified in class 455, subclass 426.13;
- LI. Claim 70 is classified in class 455, subclass 458;
- LII. Claim 71 is classified in class 379, subclass 168;
- LIII. Claim 72 is classified in class 713, subclass 176;
- LIV. Claim 74 is classified in class 455, subclass 456.1;
- LV. Claims 75 and 76 are unsearchable.

The inventions are distinct, each from the other because of the following reasons:

3. All of the claimed Inventions are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the claims are written in independent fashion, each directed toward various

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features toward one or more aspects of the instant invention(s). Features for locks for any of cars, laptops, bicycles, people, animals, plants, currency, cell phones, etc. are claimed separately, with no indication given as to why a feature useful for one aspect of the invention would have any utility in another aspect of the invention.

4. Further regarding Invention I above, those claims are unclassifiable because they comprise multiple inventions – e.g. claim 1 is directed to a “device” and a “process”, each for position location (class 340, subclass 988) and theft-prevention (class 726, subclass 35); the other claims in this Invention are similarly flawed. In any case, the need to search such a wide swath of classifications would present an undue burden on the Examiner, and therefore restriction is required.

5. Further regarding Invention LV, the claimed subject matter is the *patent rights itself*. “Patent rights” are not statutory subject matter, as one cannot patent a patent; consequently no classification is possible for the claims, rendering the claims unsearchable.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Gyorfí whose telephone number is (571)272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG

9/30/08

/KimYen Vu/

Supervisory Patent Examiner, Art Unit 2135